

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,) No. 18-CR-2032-LRR
)
)
vs.)
)
)
JOSH HARRY ISLER,)
)
)
Defendant.)

**MOTION TO RETURN DEFENDANT TO CUSTODY PENDING
COMPLETION OF SERVICE OF HIS SENTENCE**

The United States respectfully requests the Court enter an order returning defendant to custody pending completion of service of his sentence to imprisonment.

Background

On June 28, 2018, defendant was charged by Information with one count of theft of trade secrets, in violation of Title 18, United States Code, Section 1832(a)(1), and one count of making false material statements to the Federal Bureau of Investigation, in violation of Title 18, United States Code, Section 1001(a)(2). (Docket 2).

On July 11, 2018, defendant pleaded guilty to both counts of the Information pursuant to a written plea agreement. (Docket 11, 13).

On April 17, 2019, the Court sentenced defendant to serve a term of 42 months' imprisonment. (Docket 47). Judgment was entered on April 29, 2019. (Docket 48)

On April 29, 2019, defendant filed a notice of appeal challenging the sentence imposed by this Court. (Docket 50).

According to the United States Marshals' Service, defendant was to report to begin service of his sentence on May 21, 2019.

While the appeal was pending and while defendant was serving his sentence in the custody of the Bureau of Prisons, on June 10, 2020, defendant filed a motion for release pending appeal in the Eighth Circuit Court of Appeals, case number 19-1891.

On June 26, 2020, the Court of Appeals granted defendant's motion for release pending appeal. (Docket 63).

Defendant was released from custody on June 30, 2020.

(https://www.bop.gov/mobile/find_inmate/byname.jsp#inmate_results).

On July 2, 2020, defendant was released on an appearance bond and conditions, including that he "must surrender as directed to serve a sentence that the court may impose." (Docket 64).

Today, December 18, 2020, the Court of Appeals issued a written opinion denying defendant's appeal and affirming this Court's sentence. (Docket 65). Final Judgment was also entered in the Court of Appeals. (Docket 66).

Discussion

Defendant was released on bond pending completion his appeal after having only served approximately 13 months of a 42-month sentence. Defendant's appeal is now final and the Court of Appeals has filed its judgment in the case affirming

the sentence imposed by this Court. Defendant should therefore be ordered to return to custody to complete the service of his sentence.

Conclusion

Wherefore, the United States respectfully requests the Court enter an order directing defendant to report forthwith to the United States Marshals Service at the United States Courthouse in Cedar Rapids, Iowa, for incarceration pending designation to a United States Bureau of Prisons facility for completion of service of his sentence. In the event defendant should fail to appear as ordered, it is respectfully requested a warrant issue for his arrest.

Respectfully submitted,

SEAN R. BERRY
Attorney for the United States,
Acting under Authority Conferred by
28 U.S.C. § 515

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2020, I electronically filed the foregoing with the Clerk of Court using the ECF system which will send notification of such filing to the parties or attorneys of record. I have also emailed a copy of this pleading to the following attorneys.

UNITED STATES ATTORNEY

BY: /s/ rlm

cc: Linda Coberly
Sean Suber